

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 984 of 2000

For Approval and Signature:

Hon'ble MR.JUSTICE D.H.WAGHELA

- =====
1. Whether Reporters of Local Papers may be allowed : NO
to see the judgements?
 2. To be referred to the Reporter or not? : NO
 3. Whether Their Lordships wish to see the fair copy : NO
of the judgement?
 4. Whether this case involves a substantial question : NO
of law as to the interpretation of the Constitution
of India, 1950 of any Order made thereunder?
 5. Whether it is to be circulated to the Civil Judge? : NO

BABULAL AMBALAL LODHA

Versus

UNION TRANSPORT SERVICE

Appearance:

MR TR MISHRA for Petitioners No. 1-3

MR JV JAPEE for Respondent No. 1

CORAM : MR.JUSTICE D.H.WAGHELA

Date of decision: 05/12/2001

ORAL JUDGEMENT

By way of this petition under Article 227 of the Constitution, the three petitioners have sought to challenge the award and order of the Labour Court, Ahmedabad in Reference LCA No.859 of 1986.

2. The main grievance canvassed by the learned counsel Mr.Mishra was that the two petitioners whose demands in the reference were rejected on account of

their continued absence and complete lack of necessary evidence were in fact remaining present in the Court. It was submitted that the first petitioner in whose favour the reference was partly allowed has testified before the Labour Court on behalf of all the three workmen concerned. The second ground of challenge was that the first petitioner ought to have been awarded full backwages in view of the termination his service having been set aside by the Labour Court.

3. Going through the impugned award and the deposition of petitioner No.1, it is abundantly clear that petitioner Nos.2 and 3 never examined themselves in the box before the Labour Court nor was any evidence led on their behalf. In view of these facts, the Labour Court has correctly come to the conclusion that there was no evidence in support of the claims of petitioner Nos.2 and 3. So far as award of back wages was concerned, the finding recorded by the Labour Court was that according to the admission of the workman concerned, he was earning more than what he was paid by way of salary while in service.

In view of the facts and circumstances as above, there is no substance in the matter, and therefore, the same is rejected. Rule is discharged with no order as to costs.

(D.H.Waghela, J)

'Bhavesh'